



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 28, 1998

Ms. Merri Schneider-Vogel  
Bracewell & Patterson, L.L.P.  
South Tower Pennzoil Place  
711 Louisiana Street, Suite 2900  
Houston, Texas 77002-2781

OR98-1782

Dear Ms. Schneider-Vogel:

On behalf of the Pasadena Independent School District (the "school district"), you ask this office to reconsider our ruling in Open Records Letter No. 98-1032 (1998). Your request for reconsideration was assigned ID# 116816.

The school district received a request from a parent for attorney fee bills for legal services provided the school district pertaining to the child's education. In Open Records Letter No. 98-1032 (1998), this office concluded that the school district could only withhold certain marked portions of the requested information under section 552.107 of the Government Code. The letter also concluded that, because the Family Educational Rights and Privacy Act of 1974 ("FERPA"), 20 U.S.C. § 1232g, gives parents a right to inspect the education records of their children, the school district could not deny the requestor a right of access to the bills based on section 552.103 of the Government Code.

You now have resubmitted some of the fee bills at issue and provided us with additional arguments in an attempt to demonstrate the applicability of sections 552.107 and 552.103 to the information. We have reviewed the bills and considered your arguments. As stated in Open Records Letter No. 98-1032 (1998), section 552.103 may not be applied to deny a parent a right to inspect his child's education records. Open Records Decision No. 431 (1985); *see also* Gov't Code 552.026 (Open Records Act does not require release of education records, except in conformity with FERPA). As for your section 552.107(1) arguments, we note that a governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See* Gov't Code §552.301. You did not timely submit all your section 552.107(1) arguments in connection with the school district's original request for a ruling. We, therefore, affirm Open Records Letter No. 98-1032 (1998).

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Sandra L. Coaxum".

Sandra L. Coaxum, C.P.A.  
Chief-Open Records Division

SLC/mjc

Ref.: ID# 116816

Enclosures: Marked documents